

#### REMARKS

Claims 1, 2, 14 and 19 currently stand rejected under 35 U.S.C. §102(e), as being anticipated by United States Patent No. 6,381,049 (Xu et al). Claim 3 is rejected under 35 U.S.C. §103(a), as being unpatentable over Xu et al in view of United States Patent No. 6,208,444 (Wong et al). Claims 4 to 13 and 15 to 18 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

The claims of the application have been amended to overcome the objections of the Examiner and to better define the invention in light of the prior art. In particular, claims 1 and 14 have been amended to clarify that the first and second subsets of optical channels have frequencies that are interleaved with each other, and that the routing means includes an optical channel interleaver.

The Xu et al reference discloses, in Figure 7, the use of a simple WDM filter, which reflects one channel (RED), while passing a second channel (BLUE). The routing means according to the present invention, including an optical channel interleaver, routes and filters a first subset of channels, e.g. odd channels, from a first input port to an output port, while routing and filtering a second subset of channels, e.g. even channels,

interleaved with the first subset of channels, from a second input port to the same output port. The WDM filters disclosed in the Xu et al reference simply pass a single channel and reflect the remaining channels not in their passband, thereby having no effect on most of the signal. The optical channel interleaver according to the present invention filters and routes all of the channels according to the structure of the interleaver. Accordingly, the Xu et al reference does not disclose or even infer the use or benefits of using an optical channel interleaver as a routing means for first and second subsets of interleaved channels.

Furthermore, the Wong et al reference only discloses the use of a multi-cavity etalon to separate a set of incoming channels into two subsets of interleaved channels. There is no teaching of using the multi-cavity etalon to route the various subsets between four ports, in particular the ability to route both sets of channels to the same output port. Moreover, there is no teaching or suggestion to combine the device disclosed in the Wong et al reference with the device in the Xu et al reference.

Claim 20 has been added to ensure all aspects of the invention are protected.

A holding to this effect and the allowance of this application followed by its passage to issuance is respectfully solicited.


If, however, any issues remain, the Examiner is invited to call Applicant's undersigned counsel so that a brief interview can be arranged to resolve these issues.

It is believed no fee is due at this time. If that determination should be incorrect, then please debit Deposit Account No. 50-0644 and notify the undersigned.

Respectfully submitted,

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I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 8/26/05

Matthew A. Pequignot 8/26/05  
MATTHEW A. PEQUIGNOT REG. 43,851 DATE